

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
ANDREA L. KEYES,)	CASE NO. 06-61749 JPK
)	Chapter 13
Debtor.)	

ORDER CONCERNING AMENDED CHAPTER 13 PLAN

In this order, we again revisit the tortuous and torturous process employed by the debtor's counsel in the simple procedural task of providing notice of a Court order concerning a proposed amendment of the debtor's Chapter 13 plan to all necessary parties.

Our journey begins on January 10, 2007 with the filing of the debtor's third Amended Chapter 13 Plan. The Court entered an order on January 11, 2007 which required that debtor's counsel serve a copy of the order and of the modified plan "on all creditors, parties-in-interest, and intervenors", and further required debtor's counsel to file a certificate of service within 15 days which evidenced compliance with the order. When the required certificate of service was not filed, the Court entered an order on February 26, 2007 which scheduled a hearing on March 12, 2007 at which the debtor's counsel was required to appear and show cause why the necessary certificate of service had not been timely filed. The debtor's counsel failed to appear at the March 12, 2007 hearing; on March 15, 2007 she filed a Motion to Reconsider whatever sanction determination the Court might make. On April 3, 2007, the Court issued an order which imposed a sanction of reduced attorney compensation on debtor's counsel, and which scheduled a hearing on April 30, 2007. The Court also on that date issued another order for hearing to show cause with respect to counsel's failure to appear at the March 12, 2007 hearing. As a result of the hearing held on April 30, 2007, the Court directed the Clerk to issue a Form WE-23A order, which was accomplished on May 3, 2007. As was true before, this order required that a certificate of service be filed within 15 days of the date of its entry with

respect to service of the order upon necessary parties.

Once again, debtor's counsel failed to comply with the order; a certificate of service was filed on May 30, 2007, a certificate of service which was not signed by anyone. More importantly, the list of addresses utilized for service of the documentation is the wrong one.

The service list utilized by Attorney Inga Lewis-Shannon is the "matrix" creditors list filed by the debtor in this case. Unfortunately, service is required to be made not only upon creditors who have been designated by the debtor, but also on entities which have filed proofs of claim or have otherwise appeared in the action, and in addition certain entities which the Court has included on the official service matrix maintained by the Court. This "official" service matrix of addresses may be obtained from the PACER network, either accessed directly or through the Court's web page. When the main PACER page is displayed, click on "Utilities"; in the "Utilities" menu, click on "Mailings" under the Miscellaneous category; in the "Mailings" menu, click on "Mailing Labels by Case". The address list thus obtained is the "official" address list to be used for service.

Thus, as of June 4, 2007 – the date of dictation of this order – an amended plan filed on January 10, 2007 has yet to be noticed to creditors as required by applicable law and by orders of the Court.

The Court will give this one more shot as to providing debtor's counsel with an opportunity to follow very simple procedures that have been expressly delineated by the Court to her and/or her staff. This additional opportunity will not eviscerate the fact that the Court will impose an additional sanction upon the debtor's counsel. The only question with respect to this sanction will be whether it is so heavy as to make the very ground quake and/or sufficient in amount to fund the fiscal deficit of the United States government for the next several years.

IT IS ORDERED that the Clerk shall issue a Form WE-23A order forthwith concerning the Amended Chapter 13 Plan filed on January 10, 2007.

IT IS FURTHER ORDERED that Attorney Inga D. Lewis-Shannon shall comply strictly in all respects with the terms of the foregoing order, including the time deadlines stated therein and the manner of service of the order on necessary parties.

IT IS FURTHER ORDERED that Attorney Inga D. Lewis-Shannon shall personally appear before the Court on **July 9, 2007, at 1:00 P.M.** to show cause, if any she has, why extraordinary sanctions should not be imposed upon her for failure to comply with the Court's order entered on May 3, 2007. The hearing will also address whether or not Attorney Inga D. Lewis-Shannon has caused arrangements to be made for a member of her staff to enroll in the Court's CM/ECF training as directed by the Court's order entered on May 2, 2007.

Dated at Hammond, Indiana on June 6, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee